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Attorney Docket No. 19904-009

#12 2/8/02
TBray



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Calas *et al.*
ASSIGNEE : SYNT:EM
SERIAL NUMBER : 09/485,571 EXAMINER : Chih-Min Kam
FILING DATE : June 9, 2000 ART UNIT : 1653
FOR : LINEAR PEPTIDES DERIVED FROM ANTIBIOTIC PEPTIDES,
PREPARATION AND USE FOR VECTORIZING ACTIVE
SUBSTANCES

TECH CENTER 1600/2900

JAN 15 2002

RECEIVED

January 7, 2002
Boston, Massachusetts

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES

This paper is in response to the July 17, 2001 Election Requirement. A check in the amount of \$980.00 is enclosed to cover the petition fee for a five-month extension of time pursuant to 37 C.F.R. § 1.17(a)(4). With the extension, these documents are due on or before January 17, 2002. Please charge any additional fees that may be due, or credit any overpayment, to Deposit Account No. 50-0311, Reference No. 19904-009.

REMARKS

Election of Species of a Peptide

The Office Action has required the election of a single invention to which claims must be restricted. According to the Office Action, claims 1-17, drawn to a peptide derived from an antibiotic peptide that does not have a disulfide bond, a compound comprising the antibiotic peptide and the use of the peptide, are classified in class 530, subclasses 326, 327 and 328, for example. The Office Action requires applicant to select one (1) peptide sequence by SEQ ID NO: in claims 7 and 8. According to the Office Action, each of the peptide sequences, absent factually data to the contrary, represents a distinct peptide. The Office Action recites that the claims are directed to different inventions which are not linked to form a single general concept. The peptides in the claims do not have in common the same or corresponding structural and